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EXAMINER

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Appeal 2016-006902
Application 12/713,591
Technology Center 3600

Before ROBERT E. NAPPI, DEBRA K. STEPHENS, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1 through 9, 11 through 15 and 17 through 27. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ According to Appellants, the real party in interest is Oracle International Corporation. App. Br. 2.

INVENTION

Appellants' disclosed and claimed invention is directed to facilitating consistent application of price policies on every sales transaction supported through a customer relationship management system. Abstract. Claim 1 is representative of the invention and reproduced below.

1. A computing system comprising:
 - a processor;
 - a computer-readable storage medium, wherein the computer-readable storage medium is coupled to the processor,
 - the computer-readable storage medium stores a plurality of instructions implementing a customer relationship management system comprising
 - a quote management subsystem, wherein the quote management subsystem is configured to generate a quote by virtue of being configured to facilitate selection of a pricing strategy, and
 - the pricing strategy is one of a plurality of pricing strategies, and
 - a deal management subsystem, wherein the deal management subsystem is configured to evaluate a parameter of the quote, using the processor, wherein the evaluation uses data stored in one or more deal management tables, and return results of the evaluation to the quote management subsystem,

the customer relationship management system is configured to define the plurality of pricing strategies, and
the customer relationship management system is configured to enforce the plurality of pricing strategies; and
a database, wherein
the database is coupled to the processor,
the database is coupled to the customer relationship management system,
the database comprises
the one or more deal management tables,
the one or more deal management tables are associated with the deal management subsystem,
the one or more deal management tables comprise information regarding the plurality of pricing strategies,
the one or more deal management tables are configured to support the use of primary criteria and conditional-deal specific criteria, and
the database is configured to be accessed, using the processor, by each of the quote management subsystem, and the deal management subsystem.

REJECTIONS AT ISSUE²

The Examiner has rejected claims 1 through 9, 11 through 15 and 17 through 27 under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Final Action 5, Answer 2.

² Throughout this Decision we refer to the Appeal Brief filed November 24, 2015, Final Office Action mailed April 7, 2015, and the Examiner's Answer mailed April 25, 2016.

The Examiner has rejected claims 1, 8, 9, 14, 15, 20, 22, 23, and 25 through 27 under 35 U.S.C. § 102 for being anticipated by Raghupathy (US 2003/0195810 A1, published Oct. 16, 2003). Final Action 5–15, Answer 2.

The Examiner has rejected claims 2 through 7, 11, 17, 21, and 24 under 35 U.S.C. § 103 for being unpatentable over Raghupathy. Final Action 15–21, Answer 2.

The Examiner has rejected claims 12, 13, 18 and 19 under 35 U.S.C. § 103 for being unpatentable over Raghupathy and Tellefsen (US 2008/0126264 A1, published May 29, 2008). Final Action 21–22, Answer 2.

ANALYSIS

We have reviewed Appellants’ arguments in the Briefs, the Examiner’s rejections, and the Examiner’s response to Appellants’ arguments. Appellants’ arguments have not persuaded us of error in the Examiner’s determination that the claims are unpatentable.

Rejection under 35 U.S.C. § 101

The Supreme Court reiterated the framework set out in *Mayo Collaborative Services, v. Prometheus Labs., Inc.*, 132 S.Ct. 1289 (2012), for “distinguishing patents that claim . . . abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice Corp. Pty. Ltd., v. CLS Bank International*, 134 S.Ct. 2347, 2355 (2014). Assuming that a claim nominally falls within one of the statutory categories of machine, manufacture, process, or composition of matter, the first step in the analysis is to determine if the claim is directed to a law of nature, a natural

phenomenon, or an abstract idea (judicial exceptions). If so, the second step is to determine whether any element or combination of elements in the claim is sufficient to transform the nature of the claim into a patent eligible application, that is, to ensure that the claim amounts to significantly more than the judicial exception.

Claims 1 through 6, 9, 15 and 21 through 27

With respect to the first step of the *Alice* analysis Appellants argue the Examiner erroneously determined that independent claim 1 is directed to “generating a price quote” or “evaluating parameters of a price quote.”

Appeal Br. 7–8. Rather, Appellants assert that claim recites other

activities such as selection of a pricing strategy from among a plurality of pricing strategies and use of data from a deal management table stored in a database of a customer relationship management system, which clearly move the claimed invention well beyond any fundamental economic practice or organization of human activities.

Appeal Br. 8. Appellants argue that when the claims are considered as a whole they is not directed to an abstract idea as the independent claims 1, 9 and 15 are drawn to a customer relationship management (CRM) system which is not a basic concept similar to any abstract idea previously identified by the courts. Answer 12. Further, Appellants argue that the “claims address a problem arising in the realm of computer networks, and in this case arising even more specifically in the realm of computer-based CRM systems.” Appeal Br. 13.

With respect to the second step of the *Alice* analysis, Appellants argue that the claims recite more than just an abstract concept as they provide a meaningful application of the concept as the concept “provide[s] timely

guidance needed by customer sales agents to server customers using a computer based CRM system.” Appeal Brief 14.

The Examiner provides a comprehensive response to the Appellants’ arguments on pages 2 through 8 of the Answer. Specifically, the Examiner finds that representative claim 1 is directed to a series of functions that define the abstract idea of “generating a price quote or evaluating a price quote.” Answer 3. Further, the Examiner finds the activities of generating price quotes can be performed as a mental or manual process. *Id.* at 5. The Examiner states “[m]oreover, the activities of generating a price quote and evaluating parameters of a price quote are also behaviors that fall under ‘managing relationships or transactions between people,’ ‘sales activities or behaviors,’ and ‘managing human mental activity,’ which have already been found by legally controlling precedents to be certain methods of organizing human activity.” *Id.* at 5–6. Further, the Examiner states:

[T]he instant claims are distinguishable from the issues found in DDR Holdings; the claims do not have a solution that is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks, but rather have a business solution that is merely using generic computer functions. The generic computer functions only replace the manner in which such abstract idea is implemented (e.g., replacing pen, paper, and human mind, with generic computer functions of generating, storing, or accessing data).

Id. at 6–7.

We concur with the Examiner that independent claim 1 is directed to an abstract concept of generating a price quote and evaluating parameters of a price quote. We note Appellants’ arguments that the claims are directed to

a customer relationship management system, do not persuade us of error. The claimed function of the CRM is to define and enforce pricing strategies used in generating and evaluating the quote. *See also* Appellants' Specification para. 3. The Federal Circuit has explained that, in determining whether claims are patent-eligible under Section 101, "the decisional mechanism courts now apply is to examine earlier cases in which a similar or parallel descriptive nature can be seen—what prior cases were about, and which way they were decided." *Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1294 (Fed. Cir. 2016). The Federal Circuit also noted in that decision that "examiners are to continue to determine if the claim recites (i.e., sets forth or describes) a concept that is similar to concepts previously found abstract by the courts." *Amdocs*, 841 F.3d at 1294 n.2 (citation omitted). The instant claims, directed to an abstract concept of generating a price quote and evaluating parameters of a price quote, are similar to the claims at issue in *Versata Development v. SAP America* 793 F.3d 1306, 1333 (Fed Cir 2015) (holding that claims determining a price, using organizational and product group hierarchies are drawn to an abstract idea). Thus, we concur with the Examiner that the claims are directed to the use of an abstract idea.

With respect to the second part of the Alice analysis, we do not consider representative claim 1 to recite significantly more than the abstract idea. The recitation of a processor does not lead to a conclusion that the claim recites significantly more. "[T]he use of generic computer elements like a microprocessor or user interface do not alone transform an otherwise abstract idea into patent-eligible subject matter." *FairWarning IP, LLC, v. Iatric Sys., Inc.*, 839 F.3d 1089, 1096 (Fed. Cir. 2016) (citing *DDR*

Holdings, LLC, v. Hotels.com, L.P., 773 F.3d 1245, 1256 (Fed. Cir. 2014)). See also *Alice Corp. Pty. Ltd. v. CLS Bank International*, 134 S.Ct. 2347 (2014). Further, we concur with the Examiner that the claimed steps can be performed as a metal or manual process. Answer 5. Using generic computers to enhance an otherwise abstract manual process is what the Alice court deemed ineligible for patenting. *Credit Acceptance Corp V. Wetlake* 859 F.3d 1044, 1056 (Fed Cir. 2017) (citing *Alice*, 134 S.Ct. at 2357–59). Thus, we do not find that representative claim 1 recites significantly more than the abstract idea and sustain the Examiner’s 35 U.S.C. § 101 rejection of claim 1 and claims 2 through 6, 9, 15 and 21 through 27 grouped with claim 1.

Claim 7

With respect to the claim 7, Appellants argue the additional limitation of “including display of the results of an evaluation parameter” provides a meaningful application of the abstract idea and as such the rejection is unpatentable. Appeal Br. 15–16. We disagree. Our reviewing court has said that “merely presenting the results of abstract process of collecting and analyzing information without more (such as identifying a particular tool for presentation) is abstract as an ancillary part of such collection and analysis.” *Elec. Power Grp., LLC v. Alstrom S.A.* 830 F3d 1350, 1354 (Fed. Cir. 2016). Thus, we sustain the Examiner’s rejection of claim 7 under 35 U.S.C. § 101.

Claim 8

With respect to the claim 8, Appellants argue the additional limitation of “providing a workflow for input of data to the one or more deal

management tables, where the workflow is provided through one or more user interface displays configured to be displayed on a display of the CRM system” provides a meaningful application of the abstract idea and as such the rejection is unpatentable. Appeal Br. 15–16. We disagree. These limitations are directed to the input of data and use of an interface. Our reviewing court has said, “claims that add the requirement that the system include a ‘user interface’ for selection of a rule as well as a microprocessor that analyze the audit log data” do not recite significantly more to make claims patent eligible. *Fairwarning IP, LLC v Iatric Systems, Inc.*, 839 F.3d 1089, 1096 (Fed. Cir. 2016). Thus, we sustain the Examiner’s rejection of claim 8 under 35 U.S.C. § 101.

Claims 11 and 17

With respect to the claims 11 and 17, Appellants argue the additional limitations directed to “including displaying a result of determining whether the quote for the line item conforms to the corresponding guideline term, and selecting a first subset of guideline terms corresponding to products, product lines or product classes.” Appeal Br. 17. Appellants argue these limitations provide a meaningful application of the abstract idea and as such the rejection is unpatentable. *Id.* We disagree, as discussed above limitations directed to displaying results and inputting data to not recite significantly more. Accordingly, we sustain the Examiner’s rejection of claims 11 and 17 under 35 U.S.C. § 101.

Claims 12, 13, 18, and 19

With respect to the claims 12, 13, 18 and 19, Appellants argue the claims are directed to significantly more than the abstract idea, for the reasons discussed with respect to claims 11 and 17. Appeal Br 18–19. As we are not persuaded of error in the Examiner’s rejection of claim 11 and 17 under 35 U.S.C. § 101 we similarly sustain the Examiner’s rejection of claims 12, 13, 18 and 19 under 35 U.S.C. § 101.

Rejection under 35 U.S.C. § 102

Claims 1 and 8

Appellants argue the Examiner’s anticipation of claims 1 and 8 is in error as Raghupathy does not teach a management and deal management subsystem. Appeal Br. 20–22. Specifically, Appellants argue that the steps 208 and 212, of Raghupathy’s Figure 2, are both functions of a price quote generator module and therefore they are not separate subsystems as claimed. App. Br. 21–22.

The Examiner in response to Appellants’ arguments identifies that the step 208 (which the Examiner equates to the claimed deal management subsystem) and step 212 (which the Examiner equates to the claimed quote management subsystem) of Raghupathy are subsystems of a software system. Answer 9.

We concur with the Examiner. Neither Appellants’ arguments nor Appellants’ Specification define a subsystem. Appellants’ Specification discusses the processes performed in the invention as being software. *See* Spec. para’s 90 and 92. Thus, we consider the Examiner’s interpretation of steps in a software system as being a subsystem, to be reasonable.

Accordingly, we sustain the Examiner's anticipation rejection of claims 1 and 8.

Claims 9, 14, 15, 20, 22, 23, and 25 through 27

Appellants argue that the Examiner's anticipation of claims 9, 14, 15, 20, 22, 23 and 25 through 27 is in error as Raghupathy does not teach selection and comparison to a guideline term for a customer segment. App. Br. 22–23. Specifically, Appellants argue, “[t]he cited portions of Raghupathy fail to disclose customer segments, however. Raghupathy discloses pricing rules defining collections of products, but does not disclose selection of and comparison to a guideline term associated with a segment containing the customer the product is being quoted to.” App. Br. 22.

The Examiner provides a comprehensive response to the Appellants' arguments on page 10 of the Answer. We concur with the Examiner. We further, note that Raghupathy teaches the customer segments, as recited in representative claim 9, are used in evaluating a pricing. Specifically Raghupathy discloses a pricing scheme applying special rules that determine price (para. 51) and that pricing rules consider in items such as customer class (para. 43). Accordingly, are not persuaded of error in representative claim 9, and we sustain the rejection of claim 9 and claims 14, 15, 20, 22, 23 and 25 through 27 grouped with claim 9.

Rejection under 35 U.S.C. § 103

Claims 2 and 3

Appellants' argue the Examiner's rejection of these claims is in error as the Examiner did not show that Raghupathy teaches the claimed pricing tables and guideline plans. App. Br. 24. Specifically, the Appellants argue

that the Examiner's determination that the tables constitute nonfunctional descriptive material, which is not afforded patentable weight, is improper. App. Br. 24–26.

The Examiner responds identifying that the Appellants misconstrued the Examiner's findings. The Examiner states:

The ground of rejection gives full patentable weight to the limitation "the one or more deal management tables comprise one or more guideline tables." The ground of rejection also gives full weight to these "guideline tables" having some information comprised therein. What is deemed to be nonfunctional is, the difference between Raghupathy's information comprised within the stored guideline tables (price rules tables), as compared to the substantive content of the claimed descriptive data that are to be stored within the rules (descriptive data labeled as "one or more pricing criteria tables," "one or more guideline plans," "pricing segment definition tables," and "pricing strategy tables."). The specific content of such descriptive data do not affect the functions of the claimed system in any way, besides making difference in the subjective mind of a reader. That is, the generating, facilitating, evaluating, and returning functions would be performed the same regardless of the specific content/label/name of these descriptive material since none of the functional steps explicitly interact therewith. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Ngai*, 70 USPQ2d 1862 (CAFC 2004); *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Answer 11.

We concur with the Examiner. The claims do not recite a functional relationship between the specific contents of the tables and the claimed, system, thus the difference between the data in the tables of Raghupathy and

the claimed data to not provide a patentable distinction. “Once it is determined that the limitation is directed to printed matter, one must then determine if the matter is functionally or structurally related to the associated physical substrate, and only if the answer is ‘no’ is the printed matter owed no patentable weight.” *In re Distefano* 808 F.3d. 845, 851 (Fed Cir. 2015). Accordingly, we are not persuaded of error and sustain the Examiner’s rejection of claims 2 and 3.

Claims 4 through 6

Appellants argue the rejection of claim 4 is in error because Raghupathy does not teach the management subsystem provides customer-related information when evaluating a parameter of the quote. Appeal Br. 27. Appellants argue Raghupathy determines whether a product is a member of a collection which is not the same as providing customer related information. Appeal Br. 27–28.

We disagree with Appellants. As discussed above with respect to claim 9, Raghupathy considers the customer class when evaluating a price quote. Thus, Appellants’ argument have not persuaded us of error in the Examiner’s rejection of claims 4 through 6 and we sustain the rejection.

Appellants do not argue the remaining claims, claims 5, 7, 11–13, 17–19, 21, and 24, and thus, they fall with their respective independent claims.

DECISION

We affirm the Examiner’s rejection of: claims 1 through 9, 11 through 15 and 17 through 27 under 35 U.S.C. § 101; claims 1, 8, 9, 14, 15, 20, 22,

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23, and 25 through 27 under 35 U.S.C. § 102; and claims 2 through 7, 11, 12, 13, 17, 18, 19, 21, and 24 under 35 U.S.C. § 103.

AFFIRMED